

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
May 21, 2013 - 9:00 A.M.

PRESENT: COMMISSIONER DOUG WITNEY, CHAIR
COMMISSIONER GARY J. ANDERSON, VICE-CHAIR
COMMISSIONER LARRY A. ELLERTSON

ALSO PRESENT:

E. Kent Sundberg, Civil Division Chief Attorney	Jeff Smith, Utah County Recorder
David Shawcroft, Utah County Deputy Attorney	Andrea Allen, Utah County Recorder's Office
Paul Jones, Utah County Deputy Attorney	James O. Tracy, Utah County Sheriff
Bryan E. Thompson, Utah County Clerk/Auditor	Darin Durfey Utah County Sheriff's Office
Scott C. Hogensen, Chief Deputy Clerk/Auditor	Mike Forshee, Utah County Sheriff's Office
Burt Harvey, Clerk/Auditor - Tax Admin. Supervisor	Dalene Higgins, Utah County Sheriff's Office
Julie Rollins, Utah County Purchasing Agent	Cary McConnell, Utah County Treasurer's Office
Jim Stevens, Utah County Assessor's Office	Mark Edwards, Alpine Cove Water Special Serv. District
Dr. Joseph K. Miner, Health Department Exec. Director	Brent Rose, Alpine Cove Water Special Service District
Lana Jensen, Utah County Personnel Director	Mike Stansfield, Fairways Media
Mark Brady, Assistant Personnel Director	Clinton Stephens, -No further information given-
Jane Ivie, Personnel Office	Kathleen Stephens, -No further information given-
Richard Nielson, Utah County Public Works Director	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Witney called the meeting to order at 9:04 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Gary J. Anderson, Utah County Commissioner

PLEDGE OF ALLEGIANCE: Doug Witney, Utah County Commission Chair

Commissioner Anderson took a moment of personal privilege to acknowledge Pfc. Cody Towse, a young man from Elk Ridge who was killed during active military duty in Afghanistan on May 14, 2013. The commissioners requested that Utah County flags be flown at half-mast for one week in honor of his service and sacrifice. Commissioner Witney also commented on the current suffering in the Midwest caused by the 2013 Moore (Oklahoma) Tornado the previous day, asking the audience to share their hearts and well wishes for their fellow Americans.

CONSENT AGENDA

- 1. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A NON-DISCLOSURE AGREEMENT WITH RFID GLOBAL SOLUTION, INC. IN ORDER TO ALLOW THE CLERK/AUDITOR ELECTIONS OFFICE TO EVALUATE AN RFID INVENTORY CONTROL/ASSET MANAGEMENT/CHAIN OF CUSTODY SYSTEM**
- 2. RESCIND AGREEMENT NO. 2013-122 BETWEEN UTAH COUNTY AND HASLER, INC.**
- 3. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20281, DATED MAY 14, 2013**
- 4. ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**

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5. ABATE UNCOLLECTIBLE PERSONAL PROPERTY TAXES ON INACTIVE ACCOUNTS FOR THE YEAR 2001

6. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2013-9
Commissioner Ellertson mentioned several changes from the actions initially recommended by the Utah County Attorney's Office for this letter, including:

- Parcel Serial Nos. 51:497:0026, 51:497:0027, 51:497:0031, and 51:497:0032
The Rivers at Hobbie Creek Owners Association
Motion to approve and abate taxes, penalty and interest under U.C.A. 59-2-1321.
- Parcel Serial No. 19:022:0100 - Russell E. and Evelyn C. Temple
Motion to strike, as full payment had been made.
- Parcel Serial No. 52:572:0057 - Jennifer & Marina Hernandez
Motion to strike, as full payment had been made.
- Parcel Serial No. 59:010:0007 - Craig Wayman
Motion to approve a payment agreement/deferral under U.C.A. 59-2-1347.

Utah County Clerk/Auditor Bryan E. Thompson confirmed that the specified adjustments should be made as indicated by previous discussion with the commissioners.

Commissioner Ellertson made the motion to approve the Property Tax Actions in Recommendation Letter No. 2013-9, with the changes as specified in Consent Agenda Item No. 6. The motion was seconded by Commissioner Anderson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NOS. 2013-355, 2013-356, 2013-356(A), 2013-357, 2013-357(A), 2013-358, 2013-358(A), 2013-359, 2013-359(A), 2013-360, and 2013-360(A)

7. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY HEALTH DEPARTMENT

8. APPROVE THE MINUTES OF THE MAY 14, 2013 COMMISSION MEETING

9. RATIFICATION OF PAYROLL

Period 10 14 Checks: \$6,723.35 1,123 Total Deposits: \$1,406,257.52 Total: \$1,412,980.87
Federal Payroll Taxes Total: \$ 198,613.26

10. RATIFICATION OF WARRANT REGISTER SUMMARY

Register No. 485	May 13, 2013	Direct Deposit:16872-16899	Total: \$	5,421.33
Register No. 486	May 13, 2013	Check Nos. 180248-180278	Total: \$	6,472.45
Register No. 487	May 13, 2013	Direct Deposit:16900-16913	Total: \$	5,021.59
Register No. 488	May 13, 2013	Check Nos. 180279-180300	Total: \$	5,467.89
Register No. 489	May 13, 2013	Check Nos. 180301-180318	Total: \$	16,624.00
Register No. 490	May 14, 2013	Check Nos. 180319-180338	Total: \$	19,388.63

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Register No. 491	May 14, 2013	Bond Wires:153-156	Total: \$	31,314.88
Register No. 492	May 14, 2013	Direct Deposit:16914-16914	Total: \$	6.00
Register No. 493	May 14, 2013	Check Nos. 180339-180362	Total: \$	124,787.36
Register No. 494	May 15, 2013	Purchasing Cards 334-337	Total: \$	72,002.54
Register No. 495	May 15, 2013	Direct Deposit:16915-16924	Total: \$	57,468.67
Register No. 496	May 15, 2013	Check Nos. 180363-180432	Total: \$	466,690.41
Register No. 497	May 15, 2013	Direct Deposit:16925-16926	Total: \$	5,415.50
Register No. 498	May 15, 2013	Check Nos. 180433-180495	Total: \$	2,610.00
Register No. 499	May 15, 2013	Purchasing Cards 338-345	Total: \$	1,710.59
Register No. 500	May 15, 2013	Check Nos. 180496-180541	Total: \$	377,141.26
Register No. 501	May 16, 2013	Check Nos. 180542-180574	Total: \$	40,687.36
Register No. 502	May 16, 2013	Purchasing Cards 346-348	Total: \$	60,658.23
Register No. 503	May 16, 2013	Check Nos. 180575-180588	Total: \$	5,836.69
Register No. 504	May 16, 2013	Direct Deposit:16927-16937	Total: \$	714,537.03
Register No. 505	May 16, 2013	Check Nos. 180589-180601	Total: \$	76,034.08
Register No. 506	May 17, 2013	Direct Deposit:16938-16939	Total: \$	247.05
Register No. 507	May 17, 2013	Purchasing Cards 349-352	Total: \$	411.56
Register No. 508	May 17, 2013	Check Nos. 180602-180615	Total: \$	9,244.55
Register No. 509	May 17, 2013	Direct Deposit:16940-16942	Total: \$	272.39
Register No. 510	May 17, 2013	Check Nos. 180616-180617	Total: \$	37,609.51
Register No. 511	May 17, 2013	Check Nos. 180618-180649	Total: \$	27,586.80
Register No. 512	May 17, 2013	Purchasing Cards 353-361	Total: \$	1,808.97
Register No. 513	May 17, 2013	Check Nos. 180650-180659	Total: \$	78,525.41
		Total:	\$	<u>\$2,251,002.73</u>

Consent Agenda Item Nos. 1 through 10 were approved as written. Commissioner Witney recommended the following Regular Agenda items be moved to Consent:

1. APPROVE PERSONNEL ACTIONS ORIGINATING MAY 16, 2013

Commissioner Ellertson drew attention to budgeting situations related to the Attorney's and Sheriff's Offices.

2. APPROVE EMPLOYEE DONATION OF LEAVE TIME WITHIN THE RECORDER'S OFFICE

3. APPROVE THE AUDITOR'S LIST OF PROPERTIES DEEMED IN THE BEST INTEREST OF THE PUBLIC TO WITHDRAW FROM THE 2013 ANNUAL DELINQUENT TAX SALE

Commissioner Ellertson and Utah County Clerk/Auditor Bryan E. Thompson briefly discussed the properties in question.

4. ADOPT A RESOLUTION APPOINTING GREGORY L. FOLEY AS A DEPUTY CLERK/AUDITOR

5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AGREEMENT WITH THE STATE OF UTAH FOR ENVIRONMENTAL SERVICES

6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH FOR THE PHYSICAL ACTIVITY, NUTRITION, AND OBESITY (PANO) PROGRAM; THE VIOLENCE & INJURY PREVENTION PROGRAM (VIPP); AND THE ARTHRITIS AND ASTHMA PROGRAMS

7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH FOR THE WISEWOMAN AND CANCER PROGRAMS

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8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH FOR THE TOBACCO PREVENTION PROGRAMS AND TOBACCO RETAIL FOOD & DRUG ADMINISTRATION (FDA) INSPECTIONS**
9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AGREEMENT WITH NEOPOST FOR POSTAGE MACHINES FOR THE UTAH COUNTY HEALTH DEPARTMENT (REPLACING AGREEMENT NO. 2013-122)**
10. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AGREEMENT WITH THE BOARD OF EDUCATION OF THE NEBO SCHOOL DISTRICT TO PROVIDE PUBLIC HEALTH AND SPECIAL EDUCATION NURSES**
11. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AGREEMENT WITH THE PROVO CITY SCHOOL DISTRICT TO PROVIDE SCHOOL NURSES**
12. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A CONTRACT WITH DAN POULSEN TO PROVIDE CONCESSION SERVICES AT LINCOLN BEACH**
Commissioner Ellertson requested that Regular Agenda Item No. 12 be continued to the next meeting of the Board.
CONTINUED TO MAY 28, 2013
13. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AMENDMENT TO THE FIRE SERVICE INTERLOCAL COOPERATION AGREEMENT WITH NORTH FORK SPECIAL SERVICE DISTRICT**
Commissioner Ellertson requested that Regular Agenda Item No. 13 be continued to the next meeting of the Board.
CONTINUED TO MAY 28, 2013
14. **ADOPT A RESOLUTION AND CERTIFICATE OF APPOINTMENT OF COMMISSIONER OF THE HOUSING AUTHORITY OF UTAH COUNTY**

ACTIONS TAKEN

Consent Agenda Item No. 1 was approved and authorized; No. 2 was rescinded; Nos. 3, 6, and 8 were approved; Nos. 4 and 5 were abated; No. 7 was adopted; and Nos. 9 and 10 were ratified. Regular Agenda Item Nos. 1, 2, and 3 were approved; Nos. 4 and 14 were adopted; Nos. 5, 6, 7, 8, 9, 10 and 11 were approved and authorized; and Nos. 12 and 13 were continued to the May 28, 2013 meeting of the Board.

AGREEMENT NOS.: 2013-351, 2013-352, 2013-353, 2013-354, 2013-355, 2013-356, 2013-356(A), 2013-357, 2013-357(A), 2013-358, 2013-358(A), 2013-359, 2013-359(A), 2013-360, 2013-360(A), 2013-361, 2013-362, 2013-363, 2013-364, 2013-365, 2013-366, 2013-367, and 2013-368

RESOLUTION NOS.: 2013-56, 2013-57, and 2013-58

REGULAR AGENDA

- 15. CONSIDERATION FOR ADOPTION OF A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH ACTING AS THE GOVERNING BODY OF THE ALPINE COVE WATER SPECIAL SERVICE DISTRICT AUTHORIZING NOT MORE THAN \$425,000 WATER REVENUE AND SPECIAL ASSESSMENT BONDS, SERIES 2013, FIXING THE MAXIMUM AMOUNT, MATURITY, INTEREST RATE, AND DISCOUNT ON THE BONDS; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND OF BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS**

Eric Johnson of Blaisdell and Church Law Firm approached the bench to represent the Alpine Cove Water Special Service District (ACWSSD). Mr. Johnson explained that the ACWSSD had issued special assessment bonds approximately ten years ago, and are now in a position to save money on the interest rates. Funds are also needed to purchase water rights and make improvements to their system. This resolution would set a Public Hearing for June 11, 2013 as required by state law. The item has come before the Board of Commissioners because it would impact the special tax assessment that helped to secure the previously issued bonds.

Commissioner Witney asked about the impact on the special assessment tax, and Eric Johnson clarified that it would only lower the interest rate. There would be no special assessment tax for the additional monies, as those would be handled out of the water revenues. The ACWSSD will not need to increase the water revenue rates. Commissioner Ellertson summarized that the original expectations from 2002 are still in place, but the District would be taking advantage of the lower tax rate; any additional monies would be provided by the water revenues. Mr. Johnson confirmed, adding that the maximum parameters have been set at \$425,000.00.

Commissioner Ellertson made the motion to adopt the resolution as detailed in Regular Agenda Item No. 15. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE:	Doug Witney
	Gary J. Anderson
	Larry A. Ellertson
NAY:	None

RESOLUTION NO. 2013-59

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

- 18. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY**
STRICKEN

- 19. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY**
STRICKEN

- 20. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED**
STRICKEN

Commissioner Ellertson made the motion to strike Regular Agenda Item Nos. 18, 19, and 20 to set dates, times and locations for closed meetings for a strategy session to discuss the purchase, exchange, or lease of real property; for a strategy session to discuss the sale of real property; and to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

16. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

SET

17. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to immediately follow the previously scheduled closed meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

There were no public comments and the meeting recessed at 9:19 A.M. to go into closed meetings. The public meeting reconvened at 9:44 A.M.

Commissioner Anderson made the motion to adjourn the May 21, 2013 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE:	Doug Witney Gary J. Anderson Larry A. Ellertson
NAY:	None

There being no further business nor public comment, the meeting adjourned at 9:44 A.M. The minutes of the May 21, 2013 Commission Meeting were approved as transcribed on May 28, 2013.

DOUG WITNEY, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

